

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:17-CR-00513 SNLJ SPM
)	
MARVIN WILLIAMS,)	
)	
Defendant.)	

**GOVERNMENT'S MOTION FOR PRETRIAL DETERMINATION OF
ADMISSIBILITY OF ARGUABLY SUPPRESSIBLE EVIDENCE AND
DISCLOSURE OF ARGUABLY SUPPRESSIBLE EVIDENCE
PURSUANT TO FEDERAL RULE OF CRIMINAL PROCEDURE 12(b)(4) AND
NOTICE OF INTENT TO SEEK THE ADMISSION OF CERTAIN EVIDENCE
PURSUANT TO FEDERAL RULES OF EVIDENCE 404(b), 803 AND 902**

COMES NOW the United States of America, by and through its attorneys, Jeffrey B. Jensen, United States Attorney for the Eastern District of Missouri, and Edward L. Dowd III, Assistant United States Attorney for said District, and makes the following disclosures pursuant to Federal Rule of Criminal Procedure 12(b)(4):

At trial, the Government intends to use the evidence seized and statements made by the defendant during the events described below. This evidence and these statements are more fully set forth in investigative reports which will be made available to defendant. To the extent that any evidence outlined herein constitutes evidence of "Crimes or Other Acts" as contemplated by Federal Rule of Evidence 404(b), notice is hereby given that the Government intends, in the event of trial, to seek the admission of such evidence as probative of "motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake, or lack of accident."

The Government has listed all of the defendants that it believes could possibly argue standing to contest each matter, although the Government is in no way conceding that these individuals, in fact, have standing on these events. Furthermore, the fact that certain defendants are listed as associated with each event would not preclude any other defendant from claiming standing. In connection with this filing, the Government moves for pretrial determination of admissibility of arguably suppressible evidence.¹

The Government has not included business records or other documentary evidence acquired from third-party sources. Notice is hereby given that, in the event of trial, the Government may seek to admit certain business records “Records of a Regularly Conducted Activity” as defined by Federal Rule of Evidence 803(6). The Government will, in the event of trial, seek the admission of any such records without the requirement of a Custodian of Records, inasmuch as the records constitute “Certified Domestic Records of a Regularly Conducted Activity” as defined by Federal Rule of Evidence 902(11).

The Government may also, in the event of trial, seek to admit other documents pursuant to Federal Rule of Evidence 803(7) - “Absence of a Record of a Regularly Conducted Activity;” Rule 803(8) - “Public Records;” and/or Rule 803(22) - “Judgment of a Previous Conviction.” Copies of any such documentary evidence, and the corresponding certifications, will be provided to counsel for all defendants.

¹ The listing of a potential witness or witnesses is not meant to be all-inclusive. As the date set for hearings approaches, the Government may add, substitute or delete witnesses for various reasons. Where any event listed below constitutes or pertains to the issuance of a Court order or other judicial authorization, the date listed is the date the order in question was issued, not necessarily the date on which the order was served.

DATE	EVENT/ITEM	DEFENDANT	WITNESS
August 9, 2017	Delivery of express package at 4708 McMillan.	Marvin Williams	Shaniqueka Stringer
August 9, 2017	Confrontation near 4708 McMillan with firearm.	Marvin Williams	Shaniqueka Stringer
August 9, 2017	Statements of Marvin Williams	Marvin Williams	Shaniqueka Stringer
August 9, 2017	Arrest of Marvin Williams	Marvin Williams	Det. Wilcox
August 9, 2017	Search incident to arrest of Marvin Williams reveals marijuana, firearm, Walmart receipts.	Marvin Williams	Det. Wilcox
August 9, 2017	Photos of Marvin Williams at Walmart.	Marvin Williams	Walmart
August 9, 2017	Identification of Marvin Williams	Marvin Williams	Shaniqueka Stringer
August 9, 2017	Packages of marijuana associated with Marvin Williams	Marvin Williams	Inspector Johnson
August 9, 2017	Search of cellphone seized from Marvin Williams	Marvin Williams	Inspector Johnson

As additional evidence is found, and as supplemental information comes to the government's attention, the government may choose not to use some evidence described, or to use evidence additional to that listed in these reports. If the government chooses to use additional evidence, a supplemental Rule 12(b)(4) notice, and/or a Supplemental Notice of Intent to Seek the Admission of Evidence Pursuant to Federal Rule of Criminal Procedure 404(b) will be filed.

Respectfully submitted,

JEFFREY B. JENSEN
United States Attorney

/s/ Edward L. Dowd III
EDWARD L. DOWD III #61909MO
Assistant United States Attorney
111 S. Tenth Street, Room 20.333
St. Louis, MO 63102
(314) 539-2200

CERTIFICATE OF SERVICE

I hereby certify that on November 3, 2017, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon counsel for defendant.

/s/ Edward L. Dowd III
EDWARD L. DOWD III #61909MO
Assistant United States Attorney

